IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 16989 of 2007(V)

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PETITIONERS:

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1. K.VIJAYAKUMAR, G.K.JEWELLERY,
   T.C.37/888, INSIDE FORT, G.K.BUILDING,
   THIRUVANANTHAPURAM.

2. SENTHIL RAJ, T.C.37/886/1,
   SUBBASH JEWELLERY, G.K. BUILDING,
   INSIDE FORT, THIRUVANANTHAPURAM.

3. CHANDRABALAN, G.K.BUILDING,
   T.C.37/886, INSIDE FORT, THIRUVANANTHAPURAM.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS:

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1. THE STATE OF KERALA,
   REP.BY THE CHIEF SECRETARY TO GOVERNMENT OF
   KERALA, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, COLLECTRORATE,
   THIRUVANANTHAPURAM.

3. THE REVENUE DIVISIONAL OFFICER,
   THIRUVANANTHAPURAM.

4. THE ADDITIONAL THAHSILDAR,
   TALUK OFFICE, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**S. SIRI JAGAN, J.**

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**WP(C) No. 16989 OF 2007**

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**Dated this the 5th day of June, 2007**

**J U D G M E N T**

The petitioners claim to be owners in possession of 3.5 cents in Survey No.560/34 and the building therein. The petitioners are aggrieved by Exts.P1 and P2, whereby the petitioners 1 and 2 have been directed to vacate the property on the ground that the same is Government land. The petitioners have filed Ext.P3 appeal before the 3rd respondent - the Revenue Divisional Officer. The petitioners allege that the R.D.O. has refused to accept the same and directed the Tahsildar to receive the appeal and he refused to consider the same also. In the above circumstances, the petitioners seek a direction to the 3rd respondent to receive Ext.P3 appeal and consider the same in accordance with law.

2. I have heard the learned counsel for the petitioner as also the learned Government pleader. When a party files a statutory appeal, the 3rd respondent has a statutory duty to accept the same and consider the same in accordance with law. Therefore, the 3rd respondent - the Revenue Divisional Officer is

bound to accept Ext.P3 and consider the same in accordance with law. There would be a direction to the 3rd respondent to do so.

3. The learned counsel for the petitioners seeks a direction to keep further proceedings on Exts.P1 and P2 in abeyance pending disposal of the appeal. He would submit that he has filed an application for stay which is produced as Ext.P4. The learned Government pleader points out that in that petition what is sought, is a direction to the District Collector to stay further proceedings. According to the learned Government pleader, that petition cannot be considered in view of the fact that the Revenue Divisional Officer is an officer subordinate to the District Collector.

4. In the above circumstances, if the petitioners file a proper petition for stay, that would also be considered by the 3rd respondent in accordance with law.

The writ petition is disposed of as above.

**S. SIRI JAGAN,**
**Judge**

Acd/

**S.SIRI JAGAN, J**

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W.P.(C) NO. OF 2001

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J U D G M E N T

DATED:13-02-2007